

1 PUBLIC HEARING ON THE  
2 MISSOURI RIVER REVISED DRAFT  
3 ENVIRONMENTAL STATEMENT,  
4 MASTER WATER CONTROL MANUAL  
5

6 LIEUTENANT COLONEL UBBELOHDE:

7 Good evening. Welcome to this evening's comment  
8 session on the revised draft environmental impact  
9 statement for the Missouri River Master Manual.

10 My name is Lieutenant Colonel Kurt Ubbelohde.

11 I'm the Commander of the Omaha Engineer District,  
12 Corps of Engineers. With me tonight are members  
13 of the team that prepared the revised draft EIS,  
14 Larry Cieslik, Roy McAllister, Rick Moore, John  
15 LaRandeau, Patti Lee, Rose Hargrave, Paul  
16 Johnston, Jody Farhat and Betty Newhouse.

17 This is the first of 14 sessions from Helena  
18 to New Orleans. This afternoon we conducted an  
19 open house workshop. I hope that some of you  
20 were able to stop by and study the displays, pick  
21 up some handouts and talk with the staff if you  
22 had questions. If you weren't able to, you are  
23 encouraged to take a few minutes this evening and  
24 visit the displays that are set up in the back of  
25 the room.

1        Our agenda tonight will start with a short  
2 video. There is a welcome from Colonel David  
3 Fastabend, the Northwestern Division Commander,  
4 followed by a description of the projects, the  
5 features of the RDEIS and the major impacts. We  
6 want everyone to have a common understanding of  
7 the EIS. Copies of the summary and handouts as  
8 well as the entire document are available at  
9 libraries and project offices throughout the  
10 basin. Also, you can get a copy by writing to us  
11 or off our website, and the addresses are  
12 available in the back.

13        Following the video I will give a little  
14 fuller description of the comment process tonight  
15 and then we'll take your comments and we'll stay  
16 as long as necessary so that everyone is able to  
17 be heard and, with that, we'll begin.

18                    (Videotape played.)

19                    LIEUTENANT COLONEL UBBELOHDE:

20 This hearing session will come to order. Good  
21 evening, ladies and gentlemen. I am Lieutenant  
22 Colonel Kurt Ubbelohde, District Engineer, Omaha  
23 Engineer District. I will be the hearing officer  
24 for tonight's session. Our purpose this evening  
25 is to conduct a public hearing on proposed

1 changes to the guidelines of the Missouri River  
2 mainstem systems operations. Assisting me this  
3 evening are Larry Cieslik, Rose Hargrave, Roy  
4 McAllister, Paul Johnston, Rick Moore, Patti Lee,  
5 Jody Farhat, John LaRandeau and Betty Newhouse.  
6 These folks will be available after the hearing  
7 if you have any questions.

8 Before I proceed, do we have any elected  
9 officials or their representatives here who wish  
10 to be recognized? Please stand and recognize  
11 yourself.

12 MR. CLINCH: I'm Bud Clinch,  
13 director of the Department of Natural Resources  
14 and Conservation. I appear here tonight on  
15 behalf of Governor Judy Martz.

16 LIEUTENANT COLONEL UBBELOHDE:  
17 Thank you very much, sir. This hearing is being  
18 recorded by Lisa Lesofski from the firm of  
19 Lesofski & Walstad Court Reporting, who will be  
20 taking verbatim testimony that will be the basis  
21 for the official transcript and record of this  
22 hearing. This transcript with all written  
23 statements and other data will be made part of  
24 the administrative record for action. Persons  
25 who are interested in obtaining a copy of the

1 transcript for this session or any other session  
2 can do so. Persons interested in receiving a  
3 copy need to indicate this on one of their cards  
4 available at the table by the entrance. Also, if  
5 you are not on our mailing list and desire to be,  
6 please indicate this on the card.

7 In order to conduct this hearing in an  
8 orderly manner it is essential that I have a card  
9 from anyone desiring to speak giving your name  
10 and who you represent. If you desire to make a  
11 statement and have not filled out a card, please  
12 raise your hand and we will furnish one to you.

13 The primary purpose of tonight's session is  
14 to help ensure that we have all essential  
15 information that we will need to make our  
16 decision on establishing the guidelines for the  
17 future operations of the mainstem system and that  
18 this information is accurate. This is your  
19 opportunity to provide us with some of that  
20 information. We view this as a very important  
21 opportunity for you to have an influence on this  
22 decision. Therefore, I'm glad that we're here  
23 tonight.

24 I want you to remember that tonight's forum  
25 is to discuss the proposed changes in the

1 operation of the Missouri River mainstem system  
2 that are analyzed in the recently released  
3 Revised Draft Environmental Impact Statement. We  
4 should concentrate our efforts this evening on  
5 issues specific to that decision and should  
6 refrain from discussing the Corps of Engineers in  
7 general.

8 It is my intention to give all interested  
9 parties an opportunity to express their views on  
10 the proposed changes freely, fully and publicly.  
11 It is in the spirit of seeking a full disclosure  
12 and providing an opportunity for you to be heard  
13 regarding the future decision that we have called  
14 this hearing. Anyone wishing to speak or make a  
15 statement will be given the opportunity to do so.

16 The Missouri River mainstem system consists  
17 of Corps of Engineers constructed and operated  
18 projects, so officially that makes us a project  
19 proponent. However, it is our intention that the  
20 final decision on the future operational  
21 guidelines for these projects reflects a plan  
22 that considers the views of all interests,  
23 focuses on the contemporary and future needs  
24 served by the mainstem system and meets the  
25 requirement established by Congress.

1       As hearing officer, my role and  
2       responsibility is to conduct this hearing in such  
3       a manner as to ensure full disclosure of all  
4       relevant facts bearing on the information that we  
5       currently have before us. If the information is  
6       inaccurate or incomplete, we need to know that  
7       and you can help us make this determination.

8       Ultimately, the final selection of a plan  
9       that provides the framework for the future  
10      operations of the mainstem system will be based  
11      on the benefits that may be expected to accrue  
12      from the proposed plan as well as the probable  
13      negative impacts, including cumulative impacts.  
14      This includes significant social, economic and  
15      environmental factors.

16      Should you desire to submit a written  
17      statement and do not have it prepared, you may  
18      send it to the U.S. Army Corps of Engineers,  
19      Northwestern Division and the address is 12565  
20      West Center Road, Omaha, Nebraska, zip code  
21      68144-3869, Attention: Missouri River Master  
22      Manual. You may also fax your comments to  
23      402-697-2504 or e-mail your comments to  
24      mastermanual@usace.army.mil. This information is  
25      also available on the back table. The official

1 record for this hearing will be open until 28  
2 February 2001. To be properly considered, your  
3 written statement must be postmarked by that  
4 date.

5 Before I begin taking testimony, I would like  
6 to say a few words about the order and procedure  
7 that will be followed. We will call your name,  
8 when we call your name, please come forward to  
9 the lectern, state your name and address, specify  
10 whether or not you are representing a group,  
11 agency or organization or if you're speaking as  
12 an individual. You will be given five minutes to  
13 complete your testimony. If you're going to read  
14 a prepared statement, we would appreciate it if  
15 you could provide a copy to the court reporter  
16 prior to speaking so that your remarks will not  
17 have to be taken down verbatim.

18 After all statements have been made, time  
19 will be allowed for any additional remarks.  
20 During the session I may ask questions to clarify  
21 points for my own satisfaction. Since the  
22 purpose of this public hearing is to gather  
23 information which will be used in evaluating the  
24 proposed plan or alternatives to it and since  
25 open debate between members of the audience will

1 be counterproductive to this purpose, I must  
2 insist that all comments be directed to me, the  
3 hearing officer.

4 With the exception of public officials or  
5 their representatives who will speak first,  
6 speakers will be given an equal opportunity to  
7 comment. Please remember, speakers will be  
8 limited to five minutes. We will be using a  
9 lighted timer. When the yellow light comes on,  
10 it means you have two minutes of time remaining.  
11 When the red light comes on, your five minutes  
12 are up. No portion of unused time allotted to  
13 each speaker may be transferred to another  
14 presenter. The purpose of the hearing is to  
15 permit members of the public an equal opportunity  
16 to concisely present their views, information or  
17 evidence. If we allow one speaker to stockpile  
18 unused time of others, the result may be that the  
19 hearing record will be unfairly tainted and  
20 others waiting to speak may be discouraged from  
21 doing so.

22 I will now call the names of those who have  
23 submitted cards, beginning with the elected  
24 officials. Bud Clinch.

25 MR. CLINCH: For the record, my



1 name is Bud Clinch, director of the Montana  
2 Department of Natural Resources and Conservation,  
3 and tonight I appear before you on behalf of  
4 Governor Judy Martz. Colonel Ubbelohde, Larry  
5 Cieslik, Rose Hargrave, Roy McAllister and Corps  
6 staff, welcome to Montana. Oftentimes many of us  
7 in Montana wonder if the Corps really knows about  
8 the uppermost portion of the basin other than  
9 when it's time to call for releases of Fort Peck.  
10 So it's a pleasure to have you here today to hear  
11 comments from Montanans about their concern over  
12 the manual.

13 As you may know, the state of Montana has  
14 been involved in this debate for well over a  
15 decade and I've personally been involved for the  
16 last six years trying to help mold the process  
17 and provide meaningful comment. As the video  
18 before us has shown, there is a wide variety of  
19 issues that affect everyone from the lower basin  
20 to the upper basin and there is a specific set of  
21 circumstances that impact each individual state  
22 and each individual stakeholder. Montana is no  
23 different. We have our own set of issues,  
24 primarily associated with reservoir levels as  
25 well as releases in the Montana stretch below the

1 Fort Peck Reservoir.

2 Because of the number of issues and the  
3 amount of information surrounding those issues  
4 and the limited amount of time, I'm going to  
5 defer from going into great details on the  
6 specifics of our recommendation and just assure  
7 you that the state of Montana is in the process  
8 right now of compiling its comments between the  
9 state agencies that have an issue with the  
10 Missouri River management; that would be the  
11 Department of Fish, Wildlife and Parks, the  
12 Department of Natural Resources and the  
13 Department of Environment Quality, and we will  
14 compile those in a single written, concise  
15 comment and submit those to the Corps prior to  
16 the deadline under the Governor's signature.

17 And with that brief overview, I guess I would  
18 thank you for coming here. I hope that you  
19 remain open to the issues that concern us in  
20 Montana. You'll find those quite different as  
21 you move down the basin, and I hope that our  
22 distance from Omaha doesn't render you deaf on  
23 the issues or the concerns of the people of  
24 Montana and I thank you for coming tonight.

25 LIEUTENANT COLONEL UBBELOHDE:

1 Richard Oppen.

2 MR. OPPER: Thank you. I'm  
3 Richard Oppen, I live in Lewistown, Montana and  
4 I'm the Executive Director of the Missouri River  
5 Basin Association and, Colonel Ubbelohde, welcome  
6 to Montana, as Bud said.

7 You may think that Helena is a difficult  
8 place to get to and kind of remote. Wait until  
9 you try to find Poplar. You'll be in for a bit  
10 of a surprise. This is a major metropolitan area  
11 in comparison. So you'll get to see the real  
12 Montana, both urban and rural. It's a very  
13 interesting state we have here so welcome.

14 We've been at this game for a while now, the  
15 Missouri River Basin Association. We have been  
16 working really since 1995, shortly after the  
17 Corps prepared its last preferred alternative  
18 back in 1994. Our association, which is a  
19 coalition of eight states in the Missouri River  
20 basin and the tribes of the Missouri River basin,  
21 we've been working to try to come up with some  
22 kind of consensus position on how to manage the  
23 river system in light of the contemporary needs  
24 of the basin and the Corps has been extremely  
25 supportive of our efforts and we're grateful to

1 the Corps. When we've needed technical  
2 expertise, Roy McAllister has stayed up late on  
3 his laptop trying to get us those numbers. All  
4 of your staff are been extremely helpful, and  
5 when we've needed resources to try to bring the  
6 people throughout the basin together for  
7 conferences, the Corps has helped us with  
8 resources. So we are very grateful for the  
9 assistance provided by the Corps for that.

10 We negotiated among our states, among our  
11 tribes to try to come up with a plan that would  
12 be acceptable to the basin's states and tribes  
13 and in 1999, November of 1999 we made our  
14 recommendation to the Corps of Engineers and our  
15 recommendation was not a consensus position,  
16 unfortunately. The state of Missouri did not  
17 support our position and the tribes did not vote  
18 one way or another on our position. But seven of  
19 our states, seven of our eight states did support  
20 our plan and our plan looked very much like the  
21 modified conservation plan. It called for  
22 additional water conservation during a drought on  
23 the reservoirs, it called for habitat acquisition  
24 and enhancement activities throughout the basin,  
25 which is extremely important, it called for a

1 basin-wide monitoring program, which is something  
2 we have a very serious need for in this basin,  
3 particularly if we're going to be making changes  
4 to the flows of the river system or to the  
5 management of the river system, we have to  
6 understand if those changes actually take us  
7 towards our goals or not. It will save us money  
8 in the long run. And we also called for the  
9 formation of a basin-wide recovery committee that  
10 will help us apply this concept of adaptive  
11 management and also be a vehicle that will allow  
12 people throughout the basin to participate in  
13 basin-wide planning activities. That, in  
14 essence, was our plan, plus a lot of other  
15 details. And the Corps was very supportive of  
16 that and, again, we appreciated the Corps's  
17 support.

18 Now we're at a point where it's time to make  
19 a decision and I don't envy the Corps for having  
20 to make a decision but we have a lot more work to  
21 do here. We have to work with Congress on things  
22 like funding the monitoring program, getting more  
23 money for habitat. The only way we can do this  
24 is to get past this Master Manual.

25 So we encourage you to go through these

1   hearings. I can telling you what you're going to  
2   hear if you want to hear it. The Corps has heard  
3   these things, they'll hear them again louder, but  
4   it's time to make a decision and we need to move  
5   on so that we can begin building a healthier  
6   ecosystem in this basin and building a healthy  
7   economy in this basin and working together on  
8   things that really have to be done.

9                   LIEUTENANT COLONEL UBBELOHDE:

10   Michael Wells.

11                  MR. WELLS: Good evening, Colonel.

12   My name is Michael Wells, I'm chief of Water  
13   Resources from the Missouri Department of Natural  
14   Resources from Jefferson City, Missouri. Tonight  
15   I'm representing Steve Mahfood, who's the  
16   director of our department.

17       First of all, I would like to compliment the  
18   Corps and especially their staff on the excellent  
19   working relationship that we have with your  
20   staff. Any time we've asked for information it's  
21   always been provided to us in a very willing and  
22   open manner. We also would like to compliment  
23   the Corps for having this open and public process  
24   where everyone gets the opportunity to express  
25   their views on a very important issue to the

1 basin as well as the nation.

2 This evening my comments will be brief from  
3 the standpoint that, as mentioned earlier, we  
4 will be providing additional comments from our  
5 governor later on in quite some detail. As you  
6 are well aware, we have not had an opportunity to  
7 really look at the data since it was late in  
8 being delivered to us. Actually, I guess we've  
9 only had it now about two weeks and have just  
10 started to really have the opportunity to look at  
11 it. That does concern us that these hearings  
12 were started with only data having been out for  
13 about two weeks. Our Governor Holden has written  
14 a letter to Colonel Fastabend requesting an  
15 extension on the public comment and actually a  
16 delay in some of the hearings.

17 One of the things that was mentioned in your  
18 overview that also concerns us a little bit is  
19 the six alternatives that was presented in the  
20 draft EIS. After having reviewed that briefly we  
21 find that there is in actuality only three  
22 alternatives that's been presented. We see the  
23 current water control manual, the modified  
24 conservation plan and we see the Gavins Point  
25 alternative as being nothing more than one

1 alternative with a range of specified flows. The  
2 Missouri DNR continues to oppose significant  
3 changes in flows both from a spring rise and a  
4 low flow. We feel like a spring rise will have  
5 an adverse impact on agriculture in our state.  
6 Even though you mentioned that flood control  
7 damages are insignificant, we disagree. We also  
8 think the low flows will have a very significant  
9 impact on navigation in our state.

10 We also would like to point out that of the  
11 six alternatives or three, whichever one you like  
12 to call it, the current water control plan is the  
13 only one which does not have higher reservoirs.  
14 We felt that there should have been at least two  
15 other alternatives that would have reduced  
16 reservoirs but the current water control plan is  
17 the only one that does not have high reservoirs  
18 imbedded in them.

19 With that I think I'll close right now just  
20 to say that this is a very important issue for  
21 the state of Missouri, that's why I'm here in  
22 Helena, Montana tonight. We will be attending  
23 many of the hearings more or less just to hear  
24 what's going on in the basin and what's being  
25 said, so thank you for the opportunity to speak



1 here tonight.

2 LIEUTENANT COLONEL UBBELOHDE:

3 William Beacom.

4 MR. BEACOM: Colonel, my name is  
5 Bill Beacom. I am a navigator on the inland  
6 waterways. A lot of people have told me that I  
7 should come to Montana to meet my enemies but I  
8 haven't been able to find any.

9 The one thing that we have done, it seems, in  
10 the basin is allow other people to categorize  
11 people that live a little further away from us.  
12 There are some problems within this basin that  
13 require attention, but the mass of figures that's  
14 usually presented to the individual is such that  
15 comprehension is almost impossible and you first  
16 try to find out who's on your side and who isn't  
17 and that's even almost impossible. So I think  
18 the best approach to it is to decide that anybody  
19 that lives in the basin is on your side and then  
20 go from there.

21 Most of us in the basin have the same thing  
22 in mind, we have a utilitarian use of the  
23 Missouri River. Now the question then starts to  
24 remain who is to lose and who is to gain. If the  
25 decisions of the basin are reached somewhere

1 outside of the basin, then everybody in the basin  
2 has to lose. Now you can go through the plan and  
3 you can use simple logic and you can see where  
4 there is large flaws in the plan.

5 To start out with about the pallid sturgeon,  
6 we are going to change the flows throughout the  
7 river to duplicate a flow that already exists  
8 below Booneville and, yet, we don't have any  
9 pallid sturgeon below Booneville. So even if  
10 we're successful in duplicating what we have  
11 below Booneville, there is no reason to believe  
12 we're going to gain any pallid surgeon. If the  
13 natural conditions that already exist are what  
14 we're trying to duplicate and they are not  
15 successful, then what guarantee do we have that  
16 duplicating the same situation will be  
17 successful?

18 As far as the flows below Gavins Point, they  
19 don't make any sense at all because the spring  
20 flow that you're talking about will flood the  
21 birds that come in April and May and they say,  
22 "Well, this is not so bad because the birds will  
23 renest." But birds renesting is not guaranteed  
24 and will they return next year and is it even  
25 necessary when you have the prescribed amount of

1 acreage below Garrison Dams to accept the number  
2 of birds that go below Gavins Point but you  
3 encourage their landing at Gavins Point and then  
4 tell them that when they do do there you're going  
5 to flood them out so they have to reneest? I  
6 think that these two items right here would defy  
7 the logic of most people and I think they can be  
8 arrived at in common sense without a great deal  
9 of scientific theory.

10 I find this to be the situation with a lot of  
11 the science that's brought in to this. If you  
12 examine the science it doesn't make a lot of  
13 sense, it doesn't make a lot of sense to cue the  
14 sturgeon to go north to spawn when they need  
15 gravel beds to spawn, and there are no gravel  
16 beds between the mouth of the Platte and the  
17 Gavins Point Dam. So if you cue them to go  
18 north, what do they do when they get there, they  
19 can't spawn. I mean, they've been searching for  
20 gravel there for the purpose of making money.  
21 Gravel is worth money if you can find it. I've  
22 been on the river through that stretch for the  
23 last 40 years, I haven't found anybody that can  
24 find enough gravel to make money on so how can  
25 the sturgeon find enough gravel to spawn on, and

1 we know that they need gravel beds to spawn.

2 So this science is something that is a  
3 quandary but from my standpoint I think that we  
4 can do something for the species. I think that  
5 we can accommodate the economic interests  
6 throughout the basin and I think it's a lesson in  
7 futility to allow other people to decide who our  
8 enemies are, and if we work together I think that  
9 we'll find that we really don't have that many  
10 enemies and that we can reach an amiable solution  
11 and still satisfy the needs of the endangered  
12 species.

13 LIEUTENANT COLONEL UBBELOHDE:

14 Mark Wilson.

15 MR. WILSON: Good evening. My  
16 name is Mark Wilson and I'm here this evening on  
17 behalf of the U.S. Fish and Wildlife Service to  
18 issue a brief statement on the Revised Draft  
19 Environmental Impact Statement for the Missouri  
20 River Master Control Manual. I'm also here  
21 personally to listen to the comments of the  
22 citizens who are here this evening to testify on  
23 this important issue.

24 Under the Endangered Species Act Congress has  
25 given the Fish and Wildlife Service primary

1 responsibility for the stewardship of our  
2 nation's rarest plants and animals. The Missouri  
3 River is home to the endangered pallid sturgeon  
4 and least tern and the threatened piping plover.  
5 The decline of these species indicates that the  
6 river has changed in ways which now prevent it  
7 from sustaining some formally abundant  
8 populations of native fish and wildlife and  
9 suggests that we should consider adjusting our  
10 present method of river management and try to  
11 restore the Missouri River to a healthier  
12 condition.

13 The Fish and Wildlife service has a variety  
14 of facilities along and near the length of the  
15 Missouri River. These include national wildlife  
16 refuges, national fish hatcheries as well as  
17 offices of ecological services, fisheries  
18 management assistance and law enforcement. The  
19 personnel working at these facilities allow the  
20 Fish and Wildlife Service to conserve and protect  
21 fish and wildlife habitat, raise and release  
22 millions of fish, enforce laws designed to  
23 promote fish and wildlife conservation and to  
24 conduct research on the biological wellbeing of  
25 the Missouri River.

1       The Missouri River should provide wildlife  
2   habitat and support fishing, boating and other  
3   recreational activities. The river can also act  
4   as an enticement for tourism as well as provide  
5   water to drink, to irrigate with and to support  
6   navigation if we moderate and temper these uses  
7   and don't allow excessive use to impair the  
8   river's ability to provide a wider array of  
9   social benefits.

10       Congress has committed the Federal Government  
11   to work to prevent extinctions of rare animals  
12   and plants by requiring all federal agencies to  
13   use their authorities to conserve threatened and  
14   endangered species. One of the Fish and Wildlife  
15   Service's primary roles is to assist other  
16   federal agencies in designing and planning their  
17   programs to help them avoid actions that would  
18   contribute to further decline of rare species  
19   such as the pallid sturgeon, least tern and  
20   piping plover. Over the last 12 years our agency  
21   has been working with the U.S. Corps of Engineers  
22   to modernize the management of the Missouri River  
23   to help stabilize and hopefully to increase and  
24   recover populations of these very rare animals.  
25   Our recommended approach was described recently

1 in a document called the "Missouri River  
2 Biological Opinion," published in November of  
3 2000.

4 Our biological opinion outlines the status of  
5 the threatened and endangered species that are  
6 associated with the Missouri River and describes  
7 the effects that the current management scheme  
8 has upon them. The biological opinion also  
9 provides a reasonable and prudent alternative to  
10 the current operation that we believe will allow  
11 the Corps of Engineers to manage the river and  
12 also be in compliance with the legal stipulations  
13 of the Endangered Species Act which, in a  
14 nutshell, says that no federal agency can take  
15 actions that would jeopardize the continued  
16 existence of a threatened or endangered species  
17 or destroy or adversely modify habitat of such  
18 species, which is determined to be critical.  
19 With the biological opinion as a foundation, we  
20 will continue to work with the Corps to evaluate  
21 the six alternatives for a new master manual  
22 presented in the Revised Draft Environmental  
23 Impact Statement.

24 Our biological opinion is based on the best  
25 available science and includes nearly 500

1 scientific references. In addition, we sought  
2 the advice from six respected scientists, big  
3 river specialists, who confirmed that there is a  
4 need to address flow management in addition to  
5 physically restoring portions of the river  
6 channel to a more natural condition. Further,  
7 the Missouri River Natural Resources Committee  
8 has endorsed the science encompassed within the  
9 biological opinion. This is a group comprised of  
10 Missouri River management experts from the state  
11 fish and wildlife conservation agencies in each  
12 of the eight states in the Missouri River basin.

13 Other management changes identified in the  
14 biological opinion include a spring rise out of  
15 Fort Peck Dam, an improved hatchery operation to  
16 assist declining pallid sturgeon populations,  
17 restoration of approximately 20 percent of the  
18 lost aquatic habitat in the lower one-third of  
19 the river and intrasystem unbalancing of the  
20 three largest reservoirs. We are also  
21 recommending incorporation of an adaptive  
22 management strategy that would include improved  
23 study and monitoring of the river.

24 In closing, the Service endorses the  
25 identified goal of the revised Master Manual to



1 manage the river to serve the contemporary needs  
2 of the Missouri River basin and nation. These  
3 needs include taking steps to ensure that  
4 threatened and endangered species are protected  
5 while maintaining many of the other socioeconomic  
6 benefits provided by the operation of the  
7 Missouri River dams. The Service stands behind  
8 the science used in the biological opinion and is  
9 confident that the operational changes identified  
10 in the biological opinion, in addition to the  
11 subsequent discussions with the Corps, will  
12 ensure that rare species of fish and wildlife  
13 continue to be a part of the Missouri River's  
14 living wildlife legacy. The Missouri River is a  
15 tremendous river with a cherished and celebrated  
16 heritage. Human influence has altered the river  
17 greatly. Changes are needed to modernize and  
18 restore biological health to the river for the  
19 benefit of rare species and for people too.  
20 Thank you.

21 LIEUTENANT COLONEL UBBELOHDE:

22 Steven Potts.

23 MR. POTTS: Good evening. My name  
24 is Steven Potts and I am with the U.S.  
25 Environmental Protection Agency Region 8 Montana

1 Office here in Helena. I'm here this evening on  
2 behalf of EPA to present a statement regarding  
3 EPA's perspective on the Revised Draft  
4 Environmental Impact Statement for the Missouri  
5 River Master Water Control Manual. I am also  
6 here this evening to listen to the comments in  
7 person from the public on this important  
8 decision.

9 The EPA has been involved in the master  
10 manual review during the past 12 years. One of  
11 the EPA's jobs is to conduct independent reviews  
12 and provide written comments on all environmental  
13 impact statements. The law requires the EPA to  
14 make its written comments available to the  
15 public. When EPA reviews an environmental impact  
16 statement we focus on two main areas, one is the  
17 level of environmental effects of the proposed  
18 management plan or plans, the other is whether an  
19 environmental impact statement includes all of  
20 the analyses needed to understand the impacts of  
21 each plan under consideration and, if so, whether  
22 impacts are adequately analyzed and disclosed.  
23 EPA's review also includes a rating using a  
24 national rating system that evaluates these two  
25 main aspects of the EIS. One, the level of

1 environmental impact of the plan and, two, the  
2 adequacy of the impact analysis and disclosure;  
3 that is, were all of the major environmental  
4 impacts identified, adequately analyzed and  
5 clearly explained in the document?

6 EPA and the Corps met during the past year to  
7 discuss EPA's main concerns with the previous  
8 master manual NEPA documents. Unfortunately, the  
9 pressing Master Manual EIS schedule did not allow  
10 enough time for EPA and the Corps to fully come  
11 to agreement on how EPA's major concerns were to  
12 be addressed in the revised draft EIS. The EPA's  
13 review during the comment period for the EIS will  
14 be the opportunity for EPA to understand how the  
15 Corps has addressed each of our concerns.

16 EPA's major concerns with previous drafts of  
17 this Environmental Impact Statement have included  
18 the following, one, the need for the Corps to  
19 consider a broad range of reasonable alternatives  
20 including alternatives that might go beyond their  
21 jurisdiction. Two, the analysis of alternative  
22 plans should consider all of the activities  
23 affecting the Missouri River ecosystem, not  
24 simply proposed changes to dam operations.  
25 Three, the EIS must identify and analyze water

1 quality impacts of each plan. Four, the Corps  
2 should describe how significant environmental  
3 impacts of each plan could be mitigated or  
4 offset. Five, the EIS needs to identify and  
5 analyze impacts on tribes posed by each plan.  
6 Six, the EIS should describe all of the  
7 environmental costs and benefits associated with  
8 each plan. Seven, the document should describe  
9 the uncertainty or possible source of error in  
10 the analyses and how that uncertainty affects the  
11 comparison among alternative plans and how they  
12 have selected the preferred plan. Eight, the EIS  
13 must evaluate each plan for compliance with all  
14 environmental laws, including the Clean Water Act  
15 and Endangered Species Act and finally, nine, the  
16 EIS needs to be readily understandable to the  
17 public. These concerns are discussed in detail  
18 in EPA's two previous comment letters and within  
19 the next several days these two letters will be  
20 available on the EPA Region 8 website for NEPA  
21 documents.

22 EPA supports the stated goal of the revised  
23 master manual to better manage the river to serve  
24 the contemporary needs of the basin and the  
25 nation. Those needs include ensuring that the

1 natural resources of the river are managed  
2 sustainably so that it can continue to provide  
3 many of the socioeconomic benefits that we have  
4 come to depend on. EPA understands that the  
5 issues and concerns are complex. That is why EPA  
6 has teamed with the Corps of Engineers to ask the  
7 National Academy of Sciences to provide an  
8 objective study by national experts on the state  
9 of scientific information about Missouri River  
10 management. The study will also recommend ways  
11 to improve scientific knowledge of the Missouri  
12 River ecosystem and approaches to adaptive  
13 management of the Missouri River and floodplain  
14 ecosystem.

15 Since we don't know all of the answers about  
16 how best to protect the river's natural  
17 resources, we need to try new management  
18 approaches, test their success and modify them to  
19 meet the objectives of improving overall health  
20 of the river. We believe the science supports  
21 proposed changes in river operations to protect  
22 water quality, endangered species and the many  
23 other natural resources treasured by those who  
24 live along the river and in the basin. Thank  
25 you.

1                   LIEUTENANT COLONEL UBBELOHDE:   Is  
2   there anyone else who wishes to testify?   In  
3   closing, I would like to remind you that the  
4   hearing administrative record will be open  
5   through 28 February 2002 for anyone wishing to  
6   submit written, faxed or electronic comments.  
7   Also, if you wish to be on our mailing list to  
8   receive a copy of the transcript you need to fill  
9   out one of the cards available in the back of the  
10   room.   If there are no further comments, this  
11   hearing session is closed.

12       Ladies and gentlemen, thank you very much for  
13   being here tonight and for providing us with your  
14   valuable insights and information which I can  
15   assure you will be considered when making our  
16   decision on the Master Manual plan to select for  
17   the Missouri River mainstem system of operational  
18   framework.   Thank you.

19                   (The hearing concluded at  
20                   8:10 p.m.)

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## C E R T I F I C A T E

STATE OF MONTANA )  
: ss.  
COUNTY OF LEWIS AND CLARK )

I, LISA R. LESOFSKI, Registered Professional  
Reporter, Notary Public in and for the County of  
Lewis and Clark, State of Montana, do hereby  
certify:

That the hearing was taken before me at the  
time and place herein named; that the hearing was  
reported and transcribed by me with a  
computer-aided transcription system and that the  
foregoing -30- pages contain a true record of the  
hearing to the best of my ability.

IN WITNESS WHEREOF, I have hereunto set my  
hand and affixed my notarial seal this  
day of , 2001.

LISA R. LESOFSKI  
Registered Professional Reporter  
Notary Public  
Commission Expires 3/31/04.

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C E R T I F I C A T E

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hearing to the best of my ability.

IN WITNESS WHEREOF, I have hereunto set my  
hand and affixed my notarial seal this 23<sup>rd</sup>  
day of October, 2001.

Lisa R. Lesofski  
LISA R. LESOFSKI  
Registered Professional Reporter  
Notary Public  
Commission Expires 3/31/04.